

DATE: March 16, 2010

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Authorization to Submit an Application for Funding of Projects from the Jobs for Main Street Act of 2010, and Authorization for the City Manager to Advertise and Award Projects Related to the Jobs for Main Street Act of 2010

### **RECOMMENDATION**

That Council adopts the attached resolution that:

1. Authorizes the submittal of an application for funding of projects from the Jobs for Main Street Act of 2010 (Stimulus II);
2. Authorizes the City Manager to advertise and award projects; and
3. Appropriates \$3,900,000 to the Stimulus II Local Streets and Roads – Pavement Rehabilitation II Project in the Street System Improvements Fund.

### **BACKGROUND**

Last year, staff successfully applied for and received funding for two pavement rehabilitation projects from the 2009 American Recovery and Reinvestment Act (ARRA). Construction for the first ARRA funded pavement rehabilitation project was completed in November 2009. These streets included Cypress Avenue, portions of Huntwood Avenue, Clawiter Road, and D Street.

That same year, a second round of ARRA funding was made available. Staff submitted the application for pavement rehabilitation on Industrial Boulevard from Cryer Street to Interstate 880 and was successful in receiving additional ARRA funding. Construction is anticipated to be completed in April 2010.

The Metropolitan Transportation Commission (MTC) notified local agencies that additional funding from the Jobs Bill for Main Street may be available and asked if the City would want to submit additional streets as part of a possible third application. Similar to the first and second applications, the MTC has encouraged local agencies to expedite awards of contracts to meet obligation deadlines.

## DISCUSSION

Currently, the MTC has programmed the City of Hayward for two rounds of ARRA funding. The first round, which was funded through the Regional ARRA, will provide the City with funding totaling \$2.037 million. For the second round, the City will receive \$475,000 from the State ARRA.

The MTC has proposed another potential round of programming for Local Streets and Roads (LSR) from the Jobs Bill for Main Street. The amount of funding available for Alameda County LSR projects is \$24.46 million; the City expects to receive a minimum of \$2.037 million of these funds. Staff will request \$3.4 million, as distribution of the amount is based on a first come, first served basis; previous allocations were based on a formula involving the City's population, lane mileage, shortfall, and preventive maintenance performance. Additionally, if other local agencies are not able to use all of their designated funding, this ensures that the funds stay within Alameda County, particularly in Hayward.

Similar to the Regional ARRA and State ARRA funded projects, the projects funded through the Jobs Bill for Main Street will go through an expedited Caltrans Local Assistance process focused on ensuring that the projects will meet environmental clearance, right-of-way certification, and construction contract requirements. Furthermore, local agencies will need to satisfy all federal funding requirements to meet the obligation deadline of April 12, 2010 in order to secure funds through the Jobs Bill for Main Street.

Staff recommends the following streets for Pavement Rehabilitation as part of this application:

Street Name	From	To
Arf Ave	Industrial Blvd	190 feet west of Baumberg Ave
Cabot Blvd from to	West Winton Ave	470 feet south of Davis St
Calaroga Ave	Catalpa Way	Southgate St
Depot Rd	Industrial Blvd	End
Hayward Blvd	Farmhill Dr	Skyline Dr
Industrial Blvd	Clawiter Rd	659 feet south of Depot Rd
Panama St	Hesperian Blvd	Calaroga Ave
West Winton Ave	Clawiter Rd	900' west of Mack St
Whitman St	Harder Rd	1220 feet north of Berry Ave

These streets are also shown in maps included as part of Attachment II. The selection of these streets was based on recommendations made by the City's computerized Pavement Management Program.

As requested and approved by Council for the previous ARRA applications, staff is requesting that Council authorizes the City Manager to advertise and award the project in order to meet the expedited schedule requirements of this application.

As this project is federally funded, the federal Disadvantaged Business Enterprise (DBE) Program shall apply. The City has already adopted a DBE program for federally funded projects that has been approved by Caltrans.

## **PUBLIC CONTACT**

Staff will post information on the City's website regarding the construction schedule.

## **FISCAL IMPACT**

The estimated project costs are as follows:

Construction Contract	\$ 3,600,000
Design and Administration	100,000
Construction Survey, Inspection and Testing	200,000
<u>Total</u>	<u>\$ 3,900,000</u>

The City will need to utilize its own funds for the environmental review and design portions of this work that, because of the expedited process, is estimated to be about \$100,000. Additionally, the City will be responsible for all construction-related costs in excess of the federally funded amount of \$3,400,000. The FY 2010 Capital Improvement Program has funds in the Street System Improvements fund that can be used for the City's matching funds and to complete the project pending reimbursements by the Jobs Bill for Main Street.

## **SCHEDULE**

Began Design	January 2010
Complete Design	March 2010
Call for Bids	April 2010
Receive Bids	May 2010
Award Construction Contract	May 2010
Begin Construction	June 2010
Complete Construction	October 2010

*Prepared by:* Morad Fakhrai, Deputy Director of Public Works

*Recommended by:* Robert A. Bauman, Director of Public Works

Approved by:



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Gregory T. Jones, City Manager

Attachments:

- Attachment I: Draft Resolution
- Attachment II: Draft Resolution
- Attachment III: Project Location and Limits Maps

# DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. 10-\_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION AUTHORIZING THE FILING OF AN  
APPLICATION FOR FEDERAL JOBS FOR MAIN STREET  
ACT OF 2010 FUNDING AND STATING THE ASSURANCE  
TO COMPLETE THE PROJECT

BE IT RESOLVED by the City Council of the City of Hayward as follows:

WHEREAS, the City of Hayward (herein referred as APPLICANT) is submitting an application to the Metropolitan Transportation Commission (MTC) for approximately \$3,400,000 in funding from the federal Jobs for Main Street Act of 2010 for the Local Streets and Roads Pavement Rehabilitation II (herein referred as PROJECT) for the MTC Regional Jobs for Main Street Act Program (MTC Resolution No. 3943); and

WHEREAS, pursuant to the Jobs for Main Street Act of 2010, and any regulations and/or guidance promulgated thereunder, eligible project sponsors wishing to receive Regional Jobs for Main Street Act of 2010 funds for a project shall submit an application first with the appropriate Metropolitan Planning Organization (MPO), for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

WHEREAS, the Metropolitan Transportation Commission (MTC) is the MPO for the nine counties of the San Francisco Bay region; and

WHEREAS, MTC has adopted a Regional Project Funding Delivery Policy (MTC Resolution No. 3606; revised) applicable to federal Jobs for Main Street Act of 2010 fund delivery and has adopted (or is scheduled to adopt) in MTC Resolution No. 3943 such additional requirements as are necessary or appropriate to meet the obligations/award deadlines in the Jobs for Main Street Act of 2010; and

WHEREAS, APPLICANT is an eligible project sponsor for Jobs for Main Street Act of 2010 funds; and

WHEREAS, as part of the application for Jobs for Main Street Act of 2010 funding, MTC requires a resolution adopted by the responsible implementing agency stating the following:

- 1) that the sponsor understands that Jobs for Main Street Act of 2010 funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with additional Jobs for Main Street Act of 2010 or other MTC-programmed funds; and
- 2) that PROJECT will comply with the procedures specified in MTC's Regional Project Funding Delivery Policy (MTC Resolution No. 3606, revised) and with all project-specific requirements as set forth in MTC's Regional ARRA Program (MTC Resolution No. 3943); and PROJECT as described in the application, and if approved, as included in MTC's TIP; and
- 3) that PROJECT will comply with all the project-specific requirements as set forth in the federal Jobs for Main Street Act of 2010 and appropriate applicable regulations or guidance.

NOW, THEREFORE, BE IT RESOLVED that APPLICANT is authorized to execute and file an application for funding under the Jobs for Main Street Act of 2010 for PROJECT; and

BE IT FURTHER RESOLVED that the APPLICANT by adopting this resolution does hereby state that:

1. APPLICANT understands that the Jobs for Main Street Act of 2010 funding for the project is fixed at the MTC approved programmed amount, and that any cost increases must be funded by the APPLICANT from other funds, and that APPLICANT does not expect any cost increases to be funded with additional Jobs for Main Street Act of 2010 or MTC-programmed funds; and
2. APPLICANT understands the funding deadlines associated with these funds and will comply with the applicable provisions and requirements of the Regional ARRA Program (MTC Resolution No. 3943) and Regional Project Funding Delivery Policy (MTC Resolution No. 3606, as revised); and
3. PROJECT will be implemented as described in the complete application and in this resolution and, if approved, for the amount programmed in the MTC federal TIP; and
4. PROJECT will comply with all the project-specific requirements as set forth in the Jobs for Main Street Act of 2010 and appropriate applicable regulations or guidance; and

BE IT FURTHER RESOLVED that there is no legal impediment to APPLICANT making applications for the funds; and

BE IT FURTHER RESOLVED that there is no pending or threatened litigation that might in any way adversely affect the proposed PROJECT, or the ability of APPLICANT to deliver such PROJECT; and

BE IT FURTHER RESOLVED that APPLICANT authorizes its City Manager, or designee to execute and file an application with MTC for Jobs for Main Street Act of 2010 funding for the PROJECT as referenced in this resolution; and

BE IT FURTHER RESOLVED that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and

BE IT FURTHER RESOLVED that the MTC is requested to support the application for the PROJECT described in the resolution and to include the PROJECT, if approved, in MTC's TIP.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2010

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

# DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. 10-\_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION AUTHORIZING THE CITY MANAGER TO  
ADVERTISE FOR AND AWARD CONTRACTS FOR  
PROJECTS FUNDED THROUGH THE JOBS FOR MAIN  
STREET ACT OF 2010

WHEREAS, the City of Hayward is submitting an application to the Metropolitan Transportation Commission (the "MTC") for approximately \$3,400,000 in funding from the federal Jobs for Main Street Act of 2010 for pavement rehabilitation for some local streets and roads through the MTC Regional Jobs for Main Street Act Program (MTC Resolution No. 3943); and

WHEREAS, the MTC has adopted a Regional Project Funding Delivery Policy applicable to federal Jobs for Main Street Act of 2010 fund delivery and has adopted, or is scheduled to adopt in MTC Resolution No. 3943 such additional requirements as are necessary or appropriate to meet the obligations/award deadlines in the Jobs for Main Street Act of 2010; and

WHEREAS, Jobs for Main Street Act of 2010-funded projects are required to be awarded for construction within 90 days of March 1, 2010, and the MTC has requested that all local recipients of Jobs for Main Street Act of 2010 funds streamline their advertising and awarding processes to the maximum extent possible; and

WHEREAS, in order to meet the strict time lines for project delivery, staff is requesting that the City Council authorize the City Manager, upon Caltrans' issuance of its E-76 funding approval document, to advertise and, if appropriate, award the Jobs for Main Street Act of 2010-funded projects based on the City's prioritized list of streets and final funding amounts.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that, in order to meet the time lines for Jobs for Main Street Act of 2010-funded project delivery, the City Manager is hereby authorized to advertise and award, upon the issuance of Caltrans' E-76 funding approval document, contracts for street rehabilitation projects funded through the Jobs for Main Street Act of 2010, which contracts shall be in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2010

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

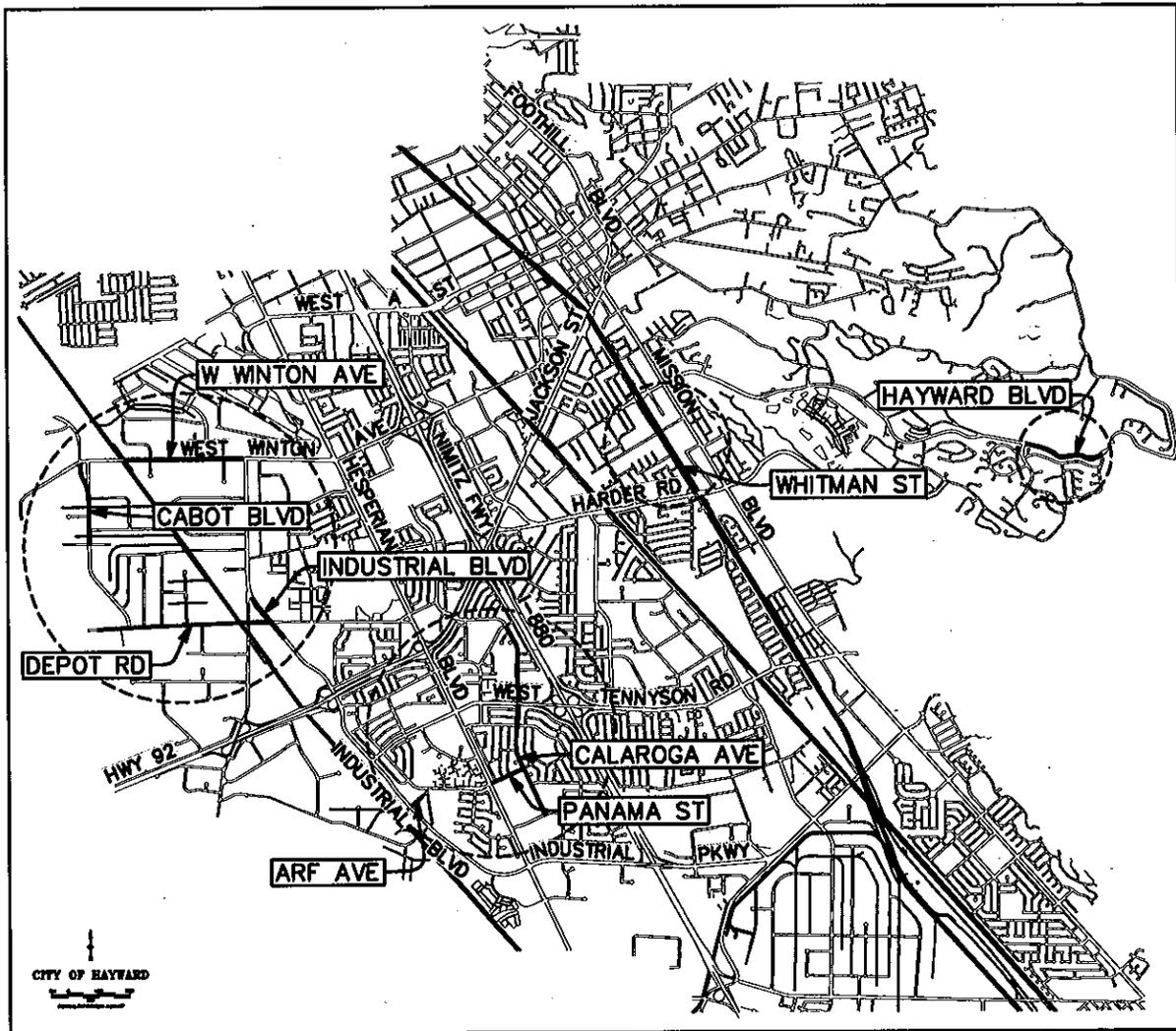
ABSTAIN:

ABSENT:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

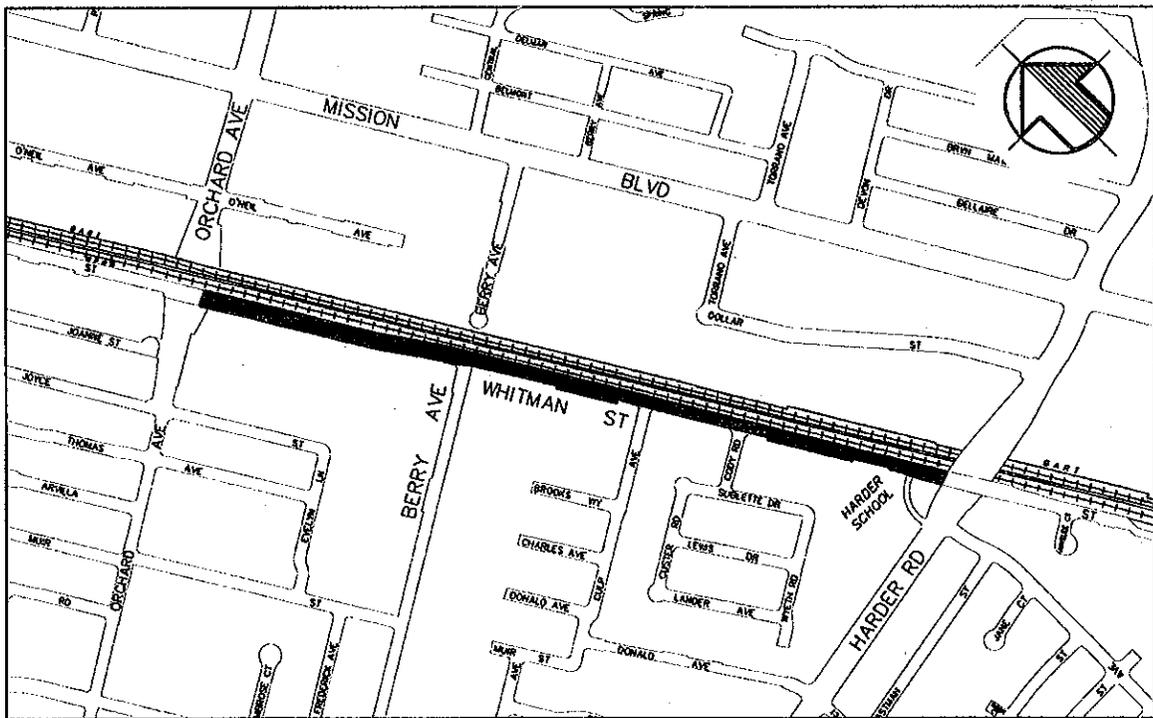
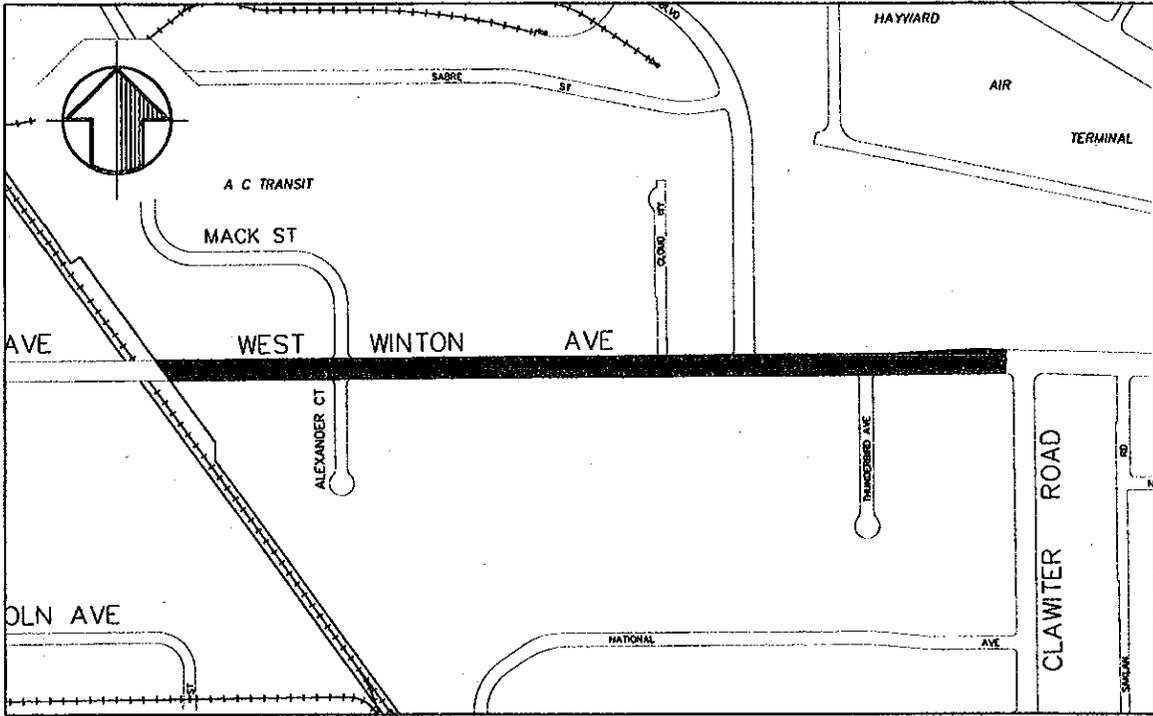
APPROVED AS TO FORM:

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City Attorney of the City of Hayward

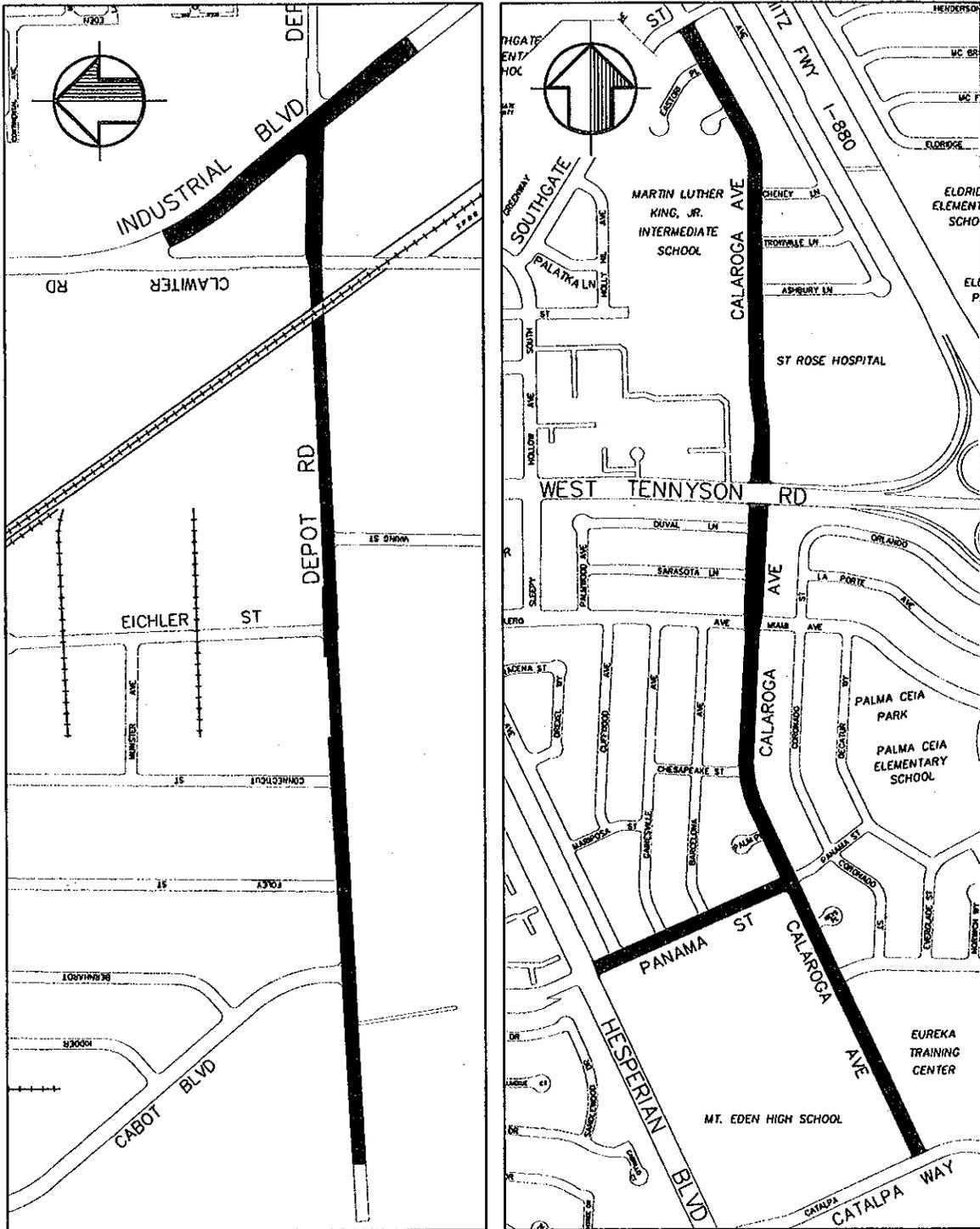


### PROJECT LOCATION MAP

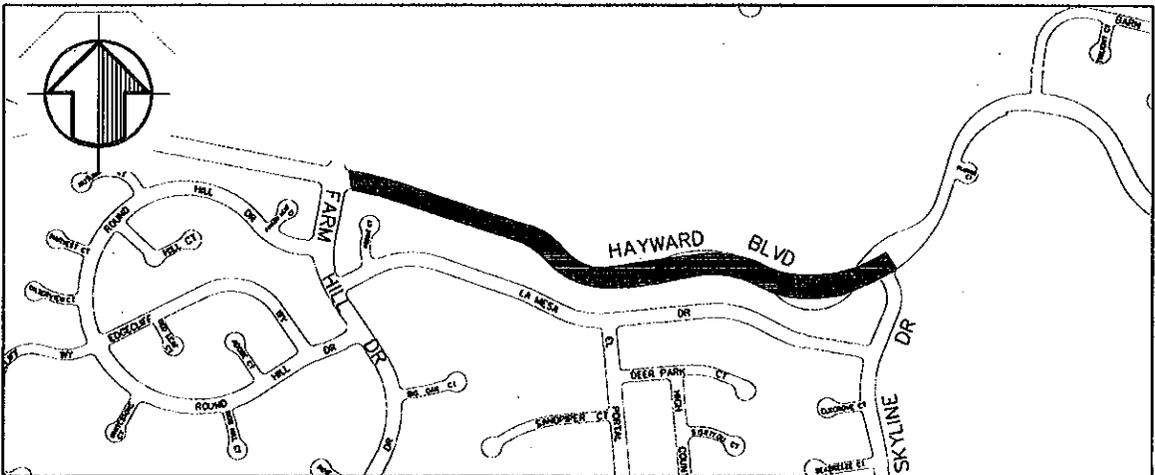
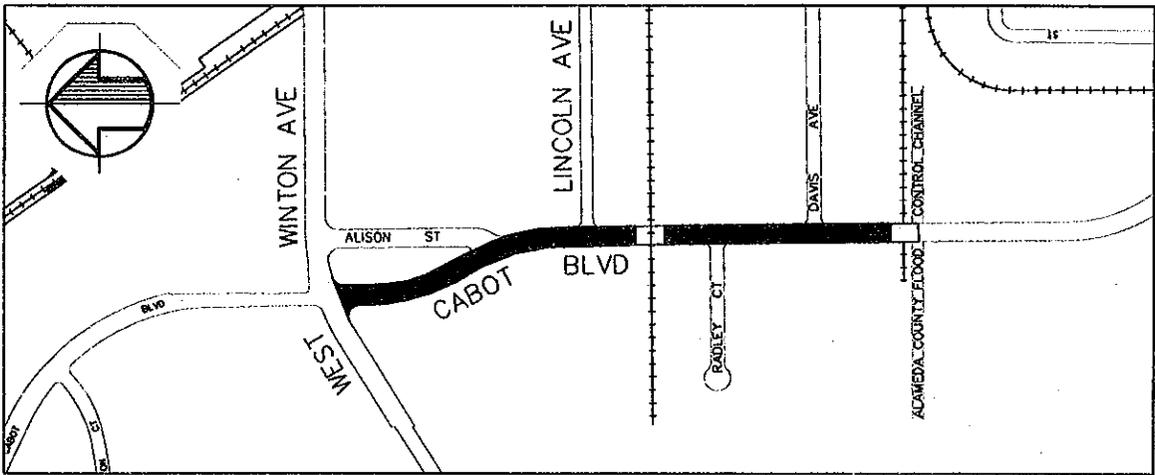
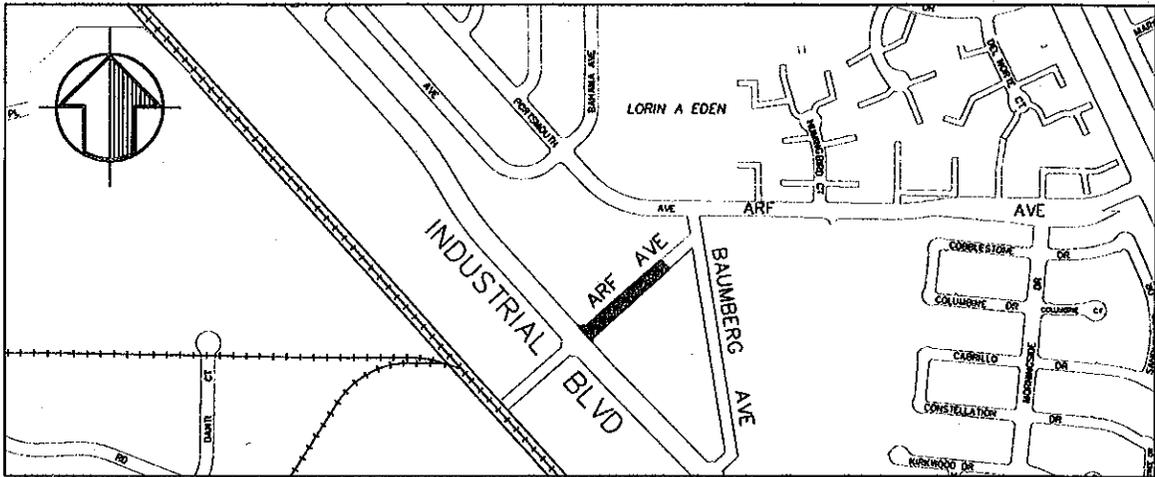
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**STIMULUS II LS&R - PAVEMENT REHABILITATION  
PROJECT LIMITS MAP**



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